

REMARKS

Claims 1-4, 7 and 17-27 are pending in this application. Claims 1-4 are rejected under 35 USC 102(b) as being anticipated by Lounsberry. Claims 17, 19 and 21-23 are rejected under 35 USC 102(e) as being anticipated by Kumar. Claims 7 and 24-27 are rejected under 35 USC 103(a) as being unpatentable over Lounsberry in view of Effmert. Claims 7 and 24-27 are rejected under 35 USC 103(a) as being unpatentable over Kumar in view of Effmert. Claim 18 is objected to as being dependent upon a rejected base claim.

The applicant appreciates the time that the Examiner spent during the April 20th telephone conference. That communication allowed the undersigned attorney to understand the Examiner's broad interpretations of the claim language and how such interpretations lead the Examiner to the rejections of the respective claims. A summary of the interview is provided herein as required under 37 CFR 1.133.

Independent claim 1 has been amended herein to include the limitation that the distance between the sensor and the lubricant dispensing apparatus is "greater than a length of the consist so as to be sufficient to prevent the lubricant from contacting any drive wheel of the locomotive consist." This amendment overcomes the rejection of claim 1 under 35 USC 102(b), thereby placing claims 1-4 in condition for allowance.

Claim 4 has been further amended to add limitations directed to a sensor providing a train end signal. The limitations of claim 4 provide further distinction over the cited Lounsberry patent.

Independent claim 7 has been amended herein to include the limitations of "a bypass device for selectively preventing a start of operation of the lubricant dispensing apparatus in spite of a presence of the lubrication signal under circumstances in which the addition of lubricant is undesirable." None of the cited prior art patents teach or suggest such an apparatus. In each of Lounsberry, Kumar and Effmert, once a lubrication signal is generated there is no mechanism for preventing the start of operation of the lubricant dispensing apparatus. The prior art teaches the termination of lubrication after lubricant is applied, but the prior art fails to teach any means for preventing lubricant from being

applied under circumstances in which the addition of lubricant is undesirable. Thus, claim 7 is in condition for allowance.

Independent claim 17 has been amended herein to clarify that the quantity of lubricant applied at the second time is varied in response to the time span between said first and second times. Kumar fails to teach such a method step. Thus, claim 17 is in condition for allowance.

Independent claim 19 has been amended herein to include the limitations of "sensing the end of train approaching the section of the rail; and terminating the application of lubricant at the section of the rail before the end of the train passes the section of the rail so that the lubricant on the section of the rail is dissipated by wheels of a plurality of cars at the end of the train." Kumar fails to describe such a method. In fact, Kumar actually teaches away from such a method because Kumar applies lubricant to all non-locomotive vehicles of the train. Thus, claim 19 and its dependent claim 20 are in condition for allowance.

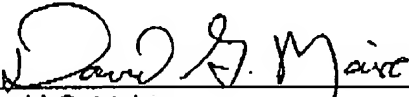
Independent claim 21 has been amended herein to include the limitations of "a timing apparatus delaying the application of the lubricant for a measured time period after the generation of the lubrication signal and allowing the application of the lubricant upon completion of the measured time period, the measured time period selected to be sufficiently long for a consist at a head of the train to pass the lubricant dispensing apparatus before lubricant is applied to the rail." Kumar fails to describe such an apparatus. The device of Kumar detects the presence of a rail vehicle wheel, and then either applies lubricant to that wheel (if it is a rail car) or does not apply lubricant to that wheel (if it is a locomotive). Kumar does not utilize a timing apparatus that delays the application of lubricant for a measured time period and then allows the application of the lubricant upon completion of the measured time period. Thus, claim 21 and its dependent claims 22 and 23 are in condition for allowance.

Independent claim 24 has been amended herein to include the limitations of a bypass control signal and "a receiver cooperatively associated with the lubricant dispensing apparatus for preventing operation of the lubricant dispensing apparatus in spite of the presence of the lubrication signal when the bypass control signal is received."

Neither Lounsberry nor Effinert describe a bypass signal that will prevent the operation of a lubrication dispensing apparatus in spite of the presence of a lubrication signal responsive to a vehicle on the rail and requesting the application of lubricant. Furthermore, neither of the cited references describes such a bypass signal being transmitted via a transmitter/receiver from a remote location. Thus, independent claim 24 and its dependent claim 27 are in condition for allowance. Dependent claims 25 and 26 have been cancelled herein.

Reconsideration of the amended application and allowance of claims 1-4, 7, 17-24 and 27 are respectfully requested.

Respectfully submitted,



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